Amendment to the Claims

1. (Presently Amended) A method for determining an analyte in a sample using an analytical element, the method comprising:

~~before the sample is added to the application zone~~ providing a mixture by contacting the sample with a binding partner 2 of a specific binding pair 1 (partner 2 of pair 1), and a binding partner 2 of a specific binding pair 2 (partner 2 of pair 2), wherein partner 2 of pair 1 and partner 2 of pair 2 are not the analyte and wherein partner 2 of pair 1 and partner 2 of pair 2 bind the analyte when the analyte is present in the sample, wherein the mixture is provided before the mixture is added to the element;

adding [[~~bound~~]] the mixture to a sample application zone of the analytical element, wherein the element comprises a material enabling liquid transport between the sample application zone and a detection zone located downstream thereof, wherein the partner 2 of pair 1 and the partner 2 of pair 2 are not immobilized on the material, wherein the detection zone comprises a binding partner 1 of specific binding pair 1 (partner 1 of pair 1) immobilized in such a manner that it is able to bind to the partner 2 of pair 1, and wherein a labeled partner 1 of specific binding pair 2 (partner 1 of pair 2) is present upstream of the detection zone and impregnated on the material such that it can be detached by liquid and is able to bind to the partner 2 of pair 2,

forming, when the analyte is present in the sample, a complex comprising the partner 1 of pair 1, the partner 2 of pair 1, the analyte, the partner 1 of pair 2 and the partner 2 of pair 2, and

detecting the presence or absence of the label in the detection zone, thereby determining the analyte in the sample.

2. (Original) The method of claim 1 wherein the specific binding pair 1 and the specific binding pair 2 independently comprise a pair of specific binding partners selected from the group consisting of a hapten and an antibody, an antigen and an antibody, a lectin and a sugar/saccharide, a ligand and a receptor, avidin/streptavidin and biotin, a nucleic acid and a nucleic acid.

3. (Original) The method of claim 1 wherein the partner 1 of pair 2 is an antibody against the partner 2 of pair 2.

4. (Original) The method of claim 3 wherein the partner 1 of pair 2 is an antibody against digoxigenin or digoxin.

5. (Original) The method of claim 1 wherein the partner 1 of pair 2 is labeled with an enzyme or direct label.

6. (Original) The method of claim 5 wherein metal or latex particles are used as the direct label.

7. (Original) The method of claim 1 wherein the partner 1 of pair 2 is located in the sample application zone.

8. (Original) The method of claim 5 wherein the partner 1 of pair 2 is located in the sample application zone.

9. (Previously Presented) The method of claim 1 wherein an antibody for specific binding with an antigen or hapten is conjugated with the partner 2 of pair 1 and the antibody is conjugated with the partner 2 of pair 2.

10. (Previously Presented) The method of claim 1 wherein an antigen, hapten or oligopeptide is conjugated with the partner 2 of pair 1 and the antigen, hapten or oligopeptide is conjugated with the partner 2 of pair 2, wherein the antigen, hapten or oligopeptide specifically binds to an antibody.

11. (Previously Presented) The method of claim 1 wherein the partner 2 of pair 1 and the partner 2 of pair 2 are in separate containers prior to providing the mixture, wherein the separate containers do not include the analytical element.

12. (Previously Presented) The method of claim 1 wherein the partner 2 of pair 1 and the partner 2 of pair 2 are stored together in one container prior to providing the mixture, wherein the container does not include the analytical element.

13. (Original) The method of claim 1 wherein the partner 2 of pair 1 is conjugated to a nucleotide, oligonucleotide, a nucleic acid, an antibody, a hapten or antigen or an epitope representing an antigen or a lectin or a receptor for a ligand.

14. (Original) The method of claim 13 wherein the partner 2 of pair 1 is biotin.

15. (Original) The method of claim 1 wherein the partner 2 of pair 2 is conjugated to a nucleotide, oligonucleotide, a nucleic acid, an antibody, a hapten or antigen or an epitope representing an antigen or a lectin or a receptor for a ligand.

16. (Original) The method of claim 15 wherein the partner 2 of pair 2 is a hapten.

17. (Original) The method of claim 16 wherein wherein the hapten is digoxigenin or digoxin.

18. (Presently Amended) A method for determining the presence of an analyte using an analytical element comprising a material enabling liquid transport between a sample application zone and a detection zone located downstream thereof, wherein the detection zone comprises a binding partner 1 of specific binding pair 1 (partner 1 of pair 1) immobilized in such a manner that it is able to bind to a binding partner 2 of specific binding pair 1 (partner 2 of pair 1), and wherein a labeled partner 1 of specific binding pair 2 (partner 1 of pair 2) is present upstream of the detection zone and impregnated on the material such that it can be detached by liquid and is able to bind to a specific binding partner 2 of specific binding pair 2 (partner 2 of pair 2); the method comprising:

adding to the element at the sample application zone a substance derived from and representing the analyte wherein the substance comprises partner 2 of pair 1 and partner 2 of pair 2 bound to the analyte, wherein partner 2 of pair 1 and partner 2 of pair 2 <u>are not the analyte and</u> are not present on the element prior to the addition of the substance ~~bound to partner 2 of pair 1 and partner 2 of pair 2~~ to the element ~~and partner 2 of pair 1 and~~

~~partner 2 of pair 2 are not the analyte, and~~ and wherein the substance is formed before it is added to the element, and

moving the substance by liquid transport in the analytical element towards the detection zone wherein the partner 2 of pair 2 binds the partner 1 of pair 2; and

binding the substance to partner 1 of pair 1 in the detection zone; and

detecting the labelled partner 1 of pair 2 bound in the detection zone, thereby determining the presence of the analyte.

19. (Previously Presented) The method of claim 18 wherein the substance derived from and representing the analyte is formed by adding to the analyte an antibody wherein part of the antibody [~~carries~~] comprises partner 2 of pair 1 and the other part of the antibody [~~carries~~] comprises partner 2 of pair 2.

20. (Previously Presented) The method of claim 18 wherein the substance derived from and representing the analyte is formed by adding to the analyte an antigen, hapten or oligopeptide wherein a part of the antigen, hapten or oligopeptide comprises partner 2 of pair 1 and the other part of the antigen, hapten or oligopeptide comprises partner 2 of pair 2.

21. (Original) The method of claim 18 wherein the analyte is a nucleic acid which is amplified, whereby partner 2 of pair 1 or partner 2 of pair 2 is bound to a nucleotide or to an oligonucleotide that is incorporated into the amplification product of said nucleic acid, and the amplification product is hybridized with a complementary nucleic acid having partner 2 of pair 1 or partner 2 of pair 2 bound thereto, provided that when the

amplification product has partner 2 of pair 1 bound thereto, the complementary nucleic acid has partner 2 of pair 2 bound thereto and when the amplification product has partner 2 of pair 2 bound thereto, the complementary nucleic acid has partner 2 of pair 1 bound thereto.

22. (Original) The method of claim 18 wherein the analyte is a nucleic acid and said substance comprises the nucleic acid hybridized with two nucleic acid probes one of which contains partner 2 or pair 1 and the other contains partner 2 of pair 2.

23. (Cancelled)

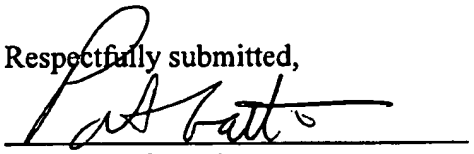
Interview Summary

Applicants' undersigned representative had a telephone conference with Examiner Cook on June 26, 2006 regarding the above-referenced Amendment. Examiner Cook asked the Applicants' representative to submit the Amendment in order to place the claims in the condition agreed upon by the Examiner and the Applicants prior to allowance of the Application.

As Examiner Cook requested, the above Amendment reflects changes to the claims as they stood after the Examiner's Amendment.

Applicants thank Examiner Cook for her consideration of this application and her cooperation and follow-up after allowance to ensure that the appropriate Amendment is in place.

Respectfully submitted,



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